



Rev. 05/01/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gary S. Selwyn

Docket No.: S-91,756

Serial No.: 09/776,086

Examiner: Zervigon, Rudy

Filed : 2/2/2001

Art Unit: 1763

For : PROCESSING MATERIALS INSIDE AN ATMOSPHERIC-PRESSURE
RADIOFREQUENCY NONTHERMAL PLASMA DISCHARGE

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY

Sir:

1. This application became abandoned on or about November 4, 2003.
2. The failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional 37 C.F.R. § 1.137(b)(3).
3. Response or action required
☐ has been filed.
☒ is attached (compliant amendment).
4. The following is a chronological list of actions leading up to the application becoming abandoned:
 - a. The Final Office Action was mailed by the USPTO on November 20, 2002.
 - b. A response to the Final Office Action was timely filed on February 14, 2003.
 - c. An Advisory Action was mailed by the USPTO on March 5, 2003, indicating that the proposed response to the Final Office Action would not be entered as the response raised new issues.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the:
Commissioner for Patents, P. O. Box 1450,
Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the
United States Patent and Trademark Office.


Signature

Date January 5, 2005

Mark N. Fitzgerald
(type or print name of person certifying)

01/12/2005 AWONDAF1 00000020 122150 09776086

01 FC:2453 750.00 DA

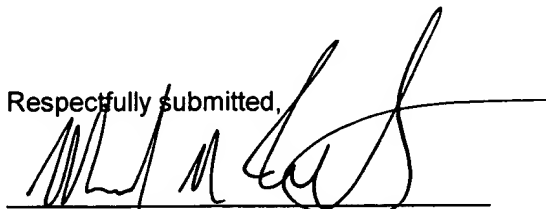
- d. A Request for Continued Examination was then filed on April 14, 2003, with a Preliminary Amendment and required RCE filing fee, but without a petition to extend the time for filing a response from February 20, 2003 to April 20, 2003.
 - e. A Notice of Non-compliant Amendment was mailed by the USPTO on April 18, 2003. Note that the USPTO did not receive the RCE until April 28, 2003.
 - f. On October 30, 2003, a telephonic interview took place between Examiner Rudy Zervigon and prosecuting attorney Milton D. Wyrick. It is unclear as to what finally transpired during this conversation.
 - g. A Notice of Abandonment was mailed by the USPTO on November 4, 2003 based on a failure to timely file a proper reply to the Office Action mailed on April 18, 2003.
5. On or about December 2004 it was discovered by an attorney in this office that this application had gone abandoned, even though the rights to the subject invention were licensed. The original prosecuting attorney, Milton D. Wyrick, had since retired in October 2004. It is believed that the reason for the unintentional delay was oversight, on the previous prosecuting attorney's part, to file for an extension of time at the same time he had submitted a Request for Continued Examination, on April 14, 2003, with the corresponding response to Examiner's final office action dated November 20, 2002 (which was refused review on March 5, 2003 due to the fact it raised new issues), and Mr. Wyrick's failure to file a compliant amendment in response to the Office Action of April 18, 2003.
6. Included with this petition is the RCE with proposed compliant amendment, along with a request for a 2 month extension of time from February 20, 2003, to cover the April 14, 2003 submittal date, and authorization for any fees deemed necessary by the patent office for continued prosecution of this application. Note that no new matter has been added as a result of the proposed compliant amendment.

Applicant's attorney would be pleased to further discuss this matter by telephone with the Examiner if the Examiner concludes such a discussion would assist in moving this case to issue.

Date: January 5, 2005

Reg. No. 48,300
Phone (505) 665-5187

Respectfully submitted,



Signature of Attorney

Mark N. Fitzgerald
Los Alamos National Laboratory
LC/IP, MS A187
Los Alamos, New Mexico 87545



Rev. 12/09/04

FEE TRANSMITTAL For FY 2005 <small>Patent fees are subject to annual revision</small>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number:	09/776,086
TOTAL AMOUNT OF PAYMENT: \$ 750.00		Filing Date:	2/2/2001
		First Named Inventor:	Gary S. Selwyn
		Examiner Name:	Zervigon, Rudy
		Group/Art Unit:	1763
		Attorney Docket No.:	S-91,756

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)																																																																																																																																																																																																																										
<div>1. <input checked="" type="checkbox"/> The commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 12-2150 Deposit Account Name: Los Alamos National Laboratory</div> <div><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 C.F.R. 1.16 and 1.17</div>	3. ADDITIONAL FEES <table style="width:100%;"><thead><tr><th style="text-align: left;">Large Entity</th><th style="text-align: left;">Small Entity</th><th style="text-align: left;">Fee Description</th><th style="text-align: right;">Fee Paid</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051 \$130</td><td>2051 \$65</td><td>Surcharge – late filing fee or oath</td><td></td></tr><tr><td>1052 \$50</td><td>2052 \$25</td><td>Surcharge – late provisional filing fee or cover sheet</td><td></td></tr><tr><td>1812 \$2520</td><td>1812 \$2520</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>1251 \$120</td><td>2251 \$60</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252 \$450</td><td>2252 \$225</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253 \$1020</td><td>2253 \$510</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254 \$1590</td><td>2254 \$795</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255 \$2160</td><td>2255 \$1080</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401 \$500</td><td>2401 \$250</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402 \$500</td><td>2402 \$250</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403 \$1000</td><td>2403 \$500</td><td>Request for oral hearing</td><td></td></tr><tr><td>1452 \$500</td><td>2452 \$250</td><td>Petition to revive – unavoidable</td><td></td></tr><tr><td>1814 \$110</td><td>2814 \$55</td><td>Terminal Disclaimer</td><td></td></tr><tr><td>1453 \$1500</td><td>2453 \$750</td><td>Petition to revive – unintentional</td><td style="text-align: right;">\$750.00</td></tr><tr><td>1460 \$130</td><td>1460 \$130</td><td>Petitions to the Director</td><td></td></tr><tr><td>1806 \$180</td><td>1806 \$180</td><td>Submission of Information Disclosure Statement</td><td></td></tr><tr><td>1809 \$790</td><td>2809 \$395</td><td>Filing a submission after final rejection (37 CFR 1.129 (a))</td><td></td></tr><tr><td>1810 \$790</td><td>2810 \$395</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr><tr><td>1811 \$100</td><td>1811 \$100</td><td>Certificate of Correction</td><td></td></tr><tr><td>1504 \$300</td><td>1504 \$300</td><td>Publication fee for early, voluntary, or normal publication/Republication fee</td><td></td></tr><tr><td>1801 \$790</td><td>2801 \$395</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td colspan="3">Other fee (specify) _____</td><td></td></tr><tr><td colspan="3" style="text-align: right;">SUBTOTAL (3)</td><td style="text-align: right;">\$750.00</td></tr><tr><td colspan="3" style="text-align: right;">Reduced by Basic Filing Fee Paid</td><td></td></tr><tr><td colspan="3" style="text-align: right;">SUBTOTAL FROM 1</td><td style="text-align: right;">\$ 0.00</td></tr><tr><td colspan="3" style="text-align: right;">SUBTOTAL FROM 2</td><td style="text-align: right;">\$ 0.00</td></tr><tr><td colspan="3" style="text-align: right;">SUBTOTAL FROM 3</td><td style="text-align: right;">\$ 750.00</td></tr><tr><td colspan="3" style="text-align: right;">TOTAL AMOUNT OF PAYMENT (Enter total amount at top of page)</td><td style="text-align: right;">\$ 750.00</td></tr></tbody></table> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th colspan="2" style="text-align: center; padding: 5px;">1. COMBINED FILING FEE</th></tr></thead><tbody><tr><td style="width:30%; text-align: left;">Large Entity</td><td style="width:70%; text-align: left;">Small Entity</td></tr><tr><td>Fee</td><td>Fee</td></tr><tr><td>1001 \$300</td><td>2001 \$150</td></tr><tr><td>1004 \$300</td><td>2004 \$150</td></tr><tr><td>1111 \$500</td><td>2111 \$250</td></tr><tr><td>1311 \$200</td><td>2311 \$100</td></tr><tr><td>1005 \$200</td><td>2005 \$100</td></tr><tr><td>1085 \$250</td><td>2085 \$125</td></tr><tr><td colspan="2">(for each additional 50 sheets that exceeds 100 sheets)</td></tr><tr><td colspan="2" style="text-align: right;">SUBTOTAL (1) \$0.00</td></tr></tbody></table> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th colspan="4" style="text-align: center; padding: 5px;">2. EXTRA CLAIM FEES/APPLICATION SIZE FEE</th></tr></thead><tbody><tr><td style="width:20%;"></td><td style="width:10%; text-align: center;">Extra Claims</td><td style="width:20%; text-align: center;">Fee from Fee Paid Below</td><td style="width:50%;"></td></tr><tr><td>Total Claims</td><td style="text-align: center;">-20** = X</td><td style="text-align: center;">=</td><td style="text-align: right;">\$</td></tr><tr><td>Independent Claims</td><td style="text-align: center;">-3 ** = X</td><td style="text-align: center;">=</td><td style="text-align: right;">\$</td></tr><tr><td>Multiple Dependent</td><td style="text-align: center;">X 180</td><td style="text-align: center;">=</td><td style="text-align: right;">\$</td></tr><tr><td colspan="4"><small>** or number previously paid, if greater; For Reissues, see below</small></td></tr><tr><td style="text-align: left;">Large Entity</td><td style="text-align: left;">Small Entity</td><td style="text-align: left;">Fee Description</td><td></td></tr><tr><td>Fee</td><td>Fee</td><td></td><td></td></tr><tr><td>1202 \$50</td><td>2202 \$25</td><td>Claims in excess of 20</td><td></td></tr><tr><td>1201 \$200</td><td>2201 \$100</td><td>Independent claims in excess of 3</td><td></td></tr><tr><td>1203 \$360</td><td>2203 \$180</td><td>Multiple dependent claim, if not paid.</td><td></td></tr><tr><td>1204 \$88</td><td>2204 \$44</td><td>** Reissue independent claims over original patent</td><td></td></tr><tr><td>1205 \$18</td><td>2205 \$9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr><tr><td colspan="4">APPLICATION SIZE FEE \$ _____</td></tr><tr><td>1081 \$250</td><td>2081 \$125.00</td><td>For each additional 50 sheets that exceed 100 sheets, including specification and drawings</td><td></td></tr><tr><td colspan="3" style="text-align: right;">SUBTOTAL (2) \$ 0.00 (Include total of Claims Fees and Size Fee here)</td><td></td></tr></tbody></table> <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th colspan="2" style="text-align: center; padding: 5px;">SUBMITTED BY</th><th colspan="2" style="text-align: center; padding: 5px;">Complete (if applicable)</th></tr></thead><tbody><tr><td style="width:20%;">Printed Name:</td><td style="width:40%;">Mark M. Fitzgerald</td><td style="width:20%;">Reg. No.</td><td style="width:20%;">48,300</td></tr><tr><td>Signature:</td><td></td><td>Date: January 5, 2005</td><td>Telephone: (505) 665-3659</td></tr></tbody></table>	Large Entity	Small Entity	Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051 \$130	2051 \$65	Surcharge – late filing fee or oath		1052 \$50	2052 \$25	Surcharge – late provisional filing fee or cover sheet		1812 \$2520	1812 \$2520	For filing a request for reexamination		1251 \$120	2251 \$60	Extension for reply within first month		1252 \$450	2252 \$225	Extension for reply within second month		1253 \$1020	2253 \$510	Extension for reply within third month		1254 \$1590	2254 \$795	Extension for reply within fourth month		1255 \$2160	2255 \$1080	Extension for reply within fifth month		1401 \$500	2401 \$250	Notice of Appeal		1402 \$500	2402 \$250	Filing a brief in support of an appeal		1403 \$1000	2403 \$500	Request for oral hearing		1452 \$500	2452 \$250	Petition to revive – unavoidable		1814 \$110	2814 \$55	Terminal Disclaimer		1453 \$1500	2453 \$750	Petition to revive – unintentional	\$750.00	1460 \$130	1460 \$130	Petitions to the Director		1806 \$180	1806 \$180	Submission of Information Disclosure Statement		1809 \$790	2809 \$395	Filing a submission after final rejection (37 CFR 1.129 (a))		1810 \$790	2810 \$395	For each additional invention to be examined (37 CFR 1.129(b))		1811 \$100	1811 \$100	Certificate of Correction		1504 \$300	1504 \$300	Publication fee for early, voluntary, or normal publication/Republication fee		1801 \$790	2801 \$395	Request for Continued Examination (RCE)		Other fee (specify) _____				SUBTOTAL (3)			\$750.00	Reduced by Basic Filing Fee Paid				SUBTOTAL FROM 1			\$ 0.00	SUBTOTAL FROM 2			\$ 0.00	SUBTOTAL FROM 3			\$ 750.00	TOTAL AMOUNT OF PAYMENT (Enter total amount at top of page)			\$ 750.00	1. COMBINED FILING FEE		Large Entity	Small Entity	Fee	Fee	1001 \$300	2001 \$150	1004 \$300	2004 \$150	1111 \$500	2111 \$250	1311 \$200	2311 \$100	1005 \$200	2005 \$100	1085 \$250	2085 \$125	(for each additional 50 sheets that exceeds 100 sheets)		SUBTOTAL (1) \$0.00		2. EXTRA CLAIM FEES/APPLICATION SIZE FEE					Extra Claims	Fee from Fee Paid Below		Total Claims	-20** = X	=	\$	Independent Claims	-3 ** = X	=	\$	Multiple Dependent	X 180	=	\$	<small>** or number previously paid, if greater; For Reissues, see below</small>				Large Entity	Small Entity	Fee Description		Fee	Fee			1202 \$50	2202 \$25	Claims in excess of 20		1201 \$200	2201 \$100	Independent claims in excess of 3		1203 \$360	2203 \$180	Multiple dependent claim, if not paid.		1204 \$88	2204 \$44	** Reissue independent claims over original patent		1205 \$18	2205 \$9	** Reissue claims in excess of 20 and over original patent		APPLICATION SIZE FEE \$ _____				1081 \$250	2081 \$125.00	For each additional 50 sheets that exceed 100 sheets, including specification and drawings		SUBTOTAL (2) \$ 0.00 (Include total of Claims Fees and Size Fee here)				SUBMITTED BY		Complete (if applicable)		Printed Name:	Mark M. Fitzgerald	Reg. No.	48,300	Signature:		Date: January 5, 2005	Telephone: (505) 665-3659
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																																																																																																																																								
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																								
1051 \$130	2051 \$65	Surcharge – late filing fee or oath																																																																																																																																																																																																																									
1052 \$50	2052 \$25	Surcharge – late provisional filing fee or cover sheet																																																																																																																																																																																																																									
1812 \$2520	1812 \$2520	For filing a request for reexamination																																																																																																																																																																																																																									
1251 \$120	2251 \$60	Extension for reply within first month																																																																																																																																																																																																																									
1252 \$450	2252 \$225	Extension for reply within second month																																																																																																																																																																																																																									
1253 \$1020	2253 \$510	Extension for reply within third month																																																																																																																																																																																																																									
1254 \$1590	2254 \$795	Extension for reply within fourth month																																																																																																																																																																																																																									
1255 \$2160	2255 \$1080	Extension for reply within fifth month																																																																																																																																																																																																																									
1401 \$500	2401 \$250	Notice of Appeal																																																																																																																																																																																																																									
1402 \$500	2402 \$250	Filing a brief in support of an appeal																																																																																																																																																																																																																									
1403 \$1000	2403 \$500	Request for oral hearing																																																																																																																																																																																																																									
1452 \$500	2452 \$250	Petition to revive – unavoidable																																																																																																																																																																																																																									
1814 \$110	2814 \$55	Terminal Disclaimer																																																																																																																																																																																																																									
1453 \$1500	2453 \$750	Petition to revive – unintentional	\$750.00																																																																																																																																																																																																																								
1460 \$130	1460 \$130	Petitions to the Director																																																																																																																																																																																																																									
1806 \$180	1806 \$180	Submission of Information Disclosure Statement																																																																																																																																																																																																																									
1809 \$790	2809 \$395	Filing a submission after final rejection (37 CFR 1.129 (a))																																																																																																																																																																																																																									
1810 \$790	2810 \$395	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																									
1811 \$100	1811 \$100	Certificate of Correction																																																																																																																																																																																																																									
1504 \$300	1504 \$300	Publication fee for early, voluntary, or normal publication/Republication fee																																																																																																																																																																																																																									
1801 \$790	2801 \$395	Request for Continued Examination (RCE)																																																																																																																																																																																																																									
Other fee (specify) _____																																																																																																																																																																																																																											
SUBTOTAL (3)			\$750.00																																																																																																																																																																																																																								
Reduced by Basic Filing Fee Paid																																																																																																																																																																																																																											
SUBTOTAL FROM 1			\$ 0.00																																																																																																																																																																																																																								
SUBTOTAL FROM 2			\$ 0.00																																																																																																																																																																																																																								
SUBTOTAL FROM 3			\$ 750.00																																																																																																																																																																																																																								
TOTAL AMOUNT OF PAYMENT (Enter total amount at top of page)			\$ 750.00																																																																																																																																																																																																																								
1. COMBINED FILING FEE																																																																																																																																																																																																																											
Large Entity	Small Entity																																																																																																																																																																																																																										
Fee	Fee																																																																																																																																																																																																																										
1001 \$300	2001 \$150																																																																																																																																																																																																																										
1004 \$300	2004 \$150																																																																																																																																																																																																																										
1111 \$500	2111 \$250																																																																																																																																																																																																																										
1311 \$200	2311 \$100																																																																																																																																																																																																																										
1005 \$200	2005 \$100																																																																																																																																																																																																																										
1085 \$250	2085 \$125																																																																																																																																																																																																																										
(for each additional 50 sheets that exceeds 100 sheets)																																																																																																																																																																																																																											
SUBTOTAL (1) \$0.00																																																																																																																																																																																																																											
2. EXTRA CLAIM FEES/APPLICATION SIZE FEE																																																																																																																																																																																																																											
	Extra Claims	Fee from Fee Paid Below																																																																																																																																																																																																																									
Total Claims	-20** = X	=	\$																																																																																																																																																																																																																								
Independent Claims	-3 ** = X	=	\$																																																																																																																																																																																																																								
Multiple Dependent	X 180	=	\$																																																																																																																																																																																																																								
<small>** or number previously paid, if greater; For Reissues, see below</small>																																																																																																																																																																																																																											
Large Entity	Small Entity	Fee Description																																																																																																																																																																																																																									
Fee	Fee																																																																																																																																																																																																																										
1202 \$50	2202 \$25	Claims in excess of 20																																																																																																																																																																																																																									
1201 \$200	2201 \$100	Independent claims in excess of 3																																																																																																																																																																																																																									
1203 \$360	2203 \$180	Multiple dependent claim, if not paid.																																																																																																																																																																																																																									
1204 \$88	2204 \$44	** Reissue independent claims over original patent																																																																																																																																																																																																																									
1205 \$18	2205 \$9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																																									
APPLICATION SIZE FEE \$ _____																																																																																																																																																																																																																											
1081 \$250	2081 \$125.00	For each additional 50 sheets that exceed 100 sheets, including specification and drawings																																																																																																																																																																																																																									
SUBTOTAL (2) \$ 0.00 (Include total of Claims Fees and Size Fee here)																																																																																																																																																																																																																											
SUBMITTED BY		Complete (if applicable)																																																																																																																																																																																																																									
Printed Name:	Mark M. Fitzgerald	Reg. No.	48,300																																																																																																																																																																																																																								
Signature:		Date: January 5, 2005	Telephone: (505) 665-3659																																																																																																																																																																																																																								